

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 954 OF 2020

Amita Laxmikant Kurapati

... Applicant

versus

The State of Maharashtra

.... Respondent

.....

Mr. V. V. Phatate, for the Applicant.

Mr. Ajay Patil, APP for State-Respondent.

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CORAM : SARANG V. KOTWAL, J.

DATE : 11th FEBRUARY, 2021

P.C. :

. The applicant is seeking anticipatory bail in connection with C.R.No.1281/2020 dated 5th November 2020 registered at Jail Road Police Station, Dist. Solapur City under Section 420 read with 34 of Indian Penal Code.

2. Heard Mr. V. V. Phatate, learned Counsel for the applicant and Mr. Ajay Patil, learned APP for the State.

3. The F.I.R. is lodged by Pravin Pujari. He has stated that since 2013 he was knowing the applicant's husband Laxmikant Kurapati. He used to collect small saving amounts. According to

the first informant, the said Laxmikant Kuraptil was Director of Bharat Finance. On 16th December 2015, Laxmikant and Manager Nagesh told the informant about their scheme and the interest which could be earned on that investment. Therefore, the informant invested Rs.1 Lakh with Bharat Finance Company. The informant was given a certificate. In the year 2017, Laxmikant approached the informant with the present applicant. They told the informant that they were in need of money. The informant gave them Rs.2.5 lakh. This amount was not returned. Some excuses were made by the applicant and her husband. In October 2017, the applicant's family including her husband and daughter told the informant to become a member of their bhishi. The informant invested Rs.5 Lakhs in their bhishi. Subsequently, neither of the amounts was returned and therefore, it is his case that he had paid Rs.8.5 Lakhs to the applicant and her family and the said amount was misappropriated. On these allegations, the F.I.R. is lodged.

4. Learned Counsel for the applicant submitted that the applicant's husband had given complaints to the Commissioner of

Police on 18th August 2020 and 31st October 2020. He has mentioned that he had taken Rs.2.50 Lakhs by way of loan. He was paying the interest from time to time but subsequently, because of financial difficulty, he could not pay the amount and therefore, the informant Pravin Pujari with the help of his associates were constantly threatening the applicant's family. He submitted that as a counter blast to these complaints, the F.I.R. is lodged by the first informant-Pravin Pujari in this case.

5. Learned APP relied on the averments in the F.I.R. to contend that the informant has lost his money and therefore, for recovery of that amount the applicant's custody is necessary.

6. I have considered these submissions. The F.I.R. itself mentions that at the first instance, the amount was invested by the informant in Bharat Finance only on the representation made by the applicant's husband. The applicant had nothing to do with this transaction. On the next occasion, the applicant as well as her husband had gone to the informant's house. They requested for financial help. At that time, the informant had paid them Rs.2.50 Lakh. This fact is not seriously disputed. It appears that the

amount was not repaid. It is the contention of the applicant that because of financial difficulty, the amount was not paid but for that, the informant's have option of approaching Civil Court. It is difficult to observe that the applicant herself has played any major part in this transaction. It is not clearly made out that all the representations were made by the applicant herself. The main acquaintance was between the applicant's husband and the informant. She had accompanied her husband when they requested for financial help from the informant. There is no specific allegation that the applicant had taken money separately. There is a general statement against the applicant and her husband.

7. In this view of the matter, custodial interrogation of the applicant is not necessary. She can be directed to attend the concerned Police Station and can be directed to co-operate with the investigation.

8. Hence, the following order.

ORDER

(i) In the event of her arrest in connection with

C.R.No.1281/2020 registered at Jail Road Police Station, Dist. Solapur City, the Applicant be released on bail on her executing P.R. Bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each with one or two sureties each in the like amount.

- (ii) The applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)